

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.136 of 2020**

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Suraj Paswan Son of Dukdhavan Paswan, R/o Village- Ghatiya, P.S. Kudra,
District- Kaimur.

... .. Petitioner

Versus

Parwati Devi W/o Suraj Paswan, R/o Village- Ghatiya, P.S. Kudra, Distt.
Kaimur, At Present Time Vill- Dihara, P.S. Kudra, Distt. Kaimur.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate

For the Respondent/s: Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 25-02-2020

Heard learned counsel for the petitioner.

2. The present petition has been filed *"for quashing of the interim order dated 30.09.2019 passed by learned Principal Judge, Family Court, Kaimur at Bhabhua in Matrimonial Case No. 06 of 2017 under Section 24 of the Hindu Marriage Act whereby and wherunder learned Principal Judge passed an order of maintenance pendente lite of Rs. 1,500/- per month to the wife of the petitioner and this amount will be on payable by 10th day of succeed month"*.

3. It is submitted on behalf of the petitioner that the amount of Rs. 1,500/- per month awarded as *pendente lite* maintenance in favour of the respondent is unjustified and the petitioner is not in a position to make such payment. It is submitted that the petitioner is already taking care of three out of his four children.



4. Having heard learned counsel for the petitioner and on consideration of the materials on record, this Court is not inclined to interfere in the matter. Except making a bald statement that the petitioner is a labourer and works as a daily wager, the petitioner has not offered any indication of his income. The petitioner is duty bound in law to maintain his wife. It appears that a case under Section 498(A) IPC has also been filed by the respondent against the petitioner which is pending.

5. This Court therefore finds no illegality, infirmity or error of jurisdiction in the order of the learned Court below. The petition stands dismissed.

(Vikash Jain, J)

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